

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

T.C.,)	
Petitioner,)	
)	
v.)	No. 24-cv-12458-ADB
)	
BRIAN A. KYES, United States Marshal,)	
District of Massachusetts,)	
Respondent)	

JOINT STATUS REPORT

Petitioner T.C., through undersigned counsel, and respondent Brian A. Keyes, U.S. Marshal, District of Massachusetts, through undersigned counsel, respectfully submit the following status report.

1. On September 25, 2024, Petitioner filed a writ of habeas corpus seeking review of the Magistrate Judge's Order denying his request to be transferred from the Essex Juvenile Detention Center to a facility run by the Massachusetts Department of Youth Services ("MA DYS") or, in the alternative, review of the Magistrate Judge's Order denying his release from detention. Dkt. 1. The same day, Petitioner filed a motion for preliminary injunction seeking the same relief. Dkt. 5. On September 30, 2024, Respondent filed an opposition to both the motion for preliminary injunction and the underlying habeas petition. Dkt. 13.

2. Following a hearing on October 2, 2024, Respondent, through counsel, reported to the Court that the United States Marshals Service intended to move T.C. to a MA DYS facility on October 11, 2024. Thereafter, on October 15, 2024, the Court entered an order finding Petitioner's motion for preliminary injunction moot. Dkt. 15.

3. Petitioner has remained in MA DYS custody since October 11, 2024.

4. On October 15, 2024, the Magistrate Judge held an extradition hearing for Petitioner and took the matter under advisement. That matter, which is fully briefed, remains pending.

5. Petitioner believes his petition should remain pending so that if the Magistrate Judge ultimately rules in favor of the extradition request, or if there is undue delay in making a ruling, Petitioner may seek to amend his current petition and request additional relief under Fed. R. Civ. P. 15(a)(2), *see, e.g. United States v. Kin-Hong*, 110 F.3d 103, 107-8 (1st Cir. 1997). Respondent takes no position on whether an amendment of the current petition or the filing of a second petition would be the appropriate procedural vehicle for Petitioner to challenge any adverse rulings by the Magistrate Judge.

Respectfully submitted,

T.C.,

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Kristen A. Kearney
KRISTEN A. KEARNEY
Assistant U.S. Attorney

Dated: January 29, 2025